1949.

File No. Khar Lands II 49(R)

P 13F

Legal Department-

B **BRANCH**

Subject:—

Rules under the Bombay Khar Lands Act, 1948

File No. Khar Lands II/49 (R)

Gen. 194

450-B

Legal Department.

The requisite draft notification embodying the revised draft rules is sent herewith.

2. Rule 12 of Revenue Department draft:-

Revenue Department Office has suggested that the license may be granted on payment of such fees as may be fixed by the Board. It has been left to the discretion of the Board to fix the fees because condition may vary from place t place. Under section 24(2) of the Bombay Khar Lands Act, 1948, the fee for the grant of a license has to be prescribed by means of rules. It is therefore necessary to lay down the fee for granting licences in the rule itself.

One of the proposed conditions of the license provides for cancellation of license if the Board considers it objectionable to allow fishing any longer for any reason without payment of compensation. In the absence of any specific provision of in the Act itself, it would not be legally feasible to cancel the license without payment of compensation. The words"without payment of compnnsation. The words "without payment of a compnnsation" have therefore been deleted from the revised draft rule 13.

3. Revenue Department draft rule 15:- It has been suitably revised. It is provided in the Revenue Department draft rule that a bond as is executed for the grant of a tagai loan shall be executed for the grant of a suitable modifications. It is desirable to prescribe the form of bond in therules itself. Revenue Department is therefore requested to consider the modifications which it has in view and insert the form of bond in the rule a after showing it if necessary to the Legal Department.

4. Under section 31 of the Act the landlords, tenants and owners of lands benefitted or protected by embankments included in a scheme have to pay to theBoard an annual contribution at the rate prescribe by rules. The Revenue Department draft rule 17

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provides for the proportion in which the landlords and tenants shall pay the annual contribution but it does not provide how much exactly each landlord and tenant shall pay. A provision to that effect is necessary in the revised draft rule ~~shall is necessary~~. 16

5. Revenue Department is requested to verify whether the revised draft rules are suitable and carry out their intentions.

~~S.B.~~ Sd

Additional Secretary to Government.

U.R. to R.D. No. 5427, dated the 16th May 1949.

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FORM I.

(See Rule 3(1)).

WHEREAS a panel of representative is required to be elected for unit No. comprising the Khar lands of village (s) of Taluka District notice is hereby given to the alnd lords and tenants of the lands in the said Unit to be present at † on the day of 19 at O'clock, to elect the required representatives (s).

† Here Specify place

Signature of the Mamlatdar
o r the authorised Officer.

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Form I[I].
(See Rule 9).

To

Mr. resident of

taluka district.

Notice is hereby given that as a scheme described in the margin has been sanctioned by Government

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Here describe the Scheme.

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and published in the Bombay Government Gazette under section 14(3) of the Bombay Khar Lands Act, 1948, you as the land lord/ tenant of the land bearing No. measuring A G. included in the said scheme are hereby informed that the execution of the scheme will commence from. You are therefore requested to pay Rs. as your share of the contribution under section 25(2) of the said Act.

You are further informed that if you fail to pay the contribution within one month from the date of service of this notice the same will be recovered from you as arrears of land revenue.

Dated

Signature of the
Authorised Officer.

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6-6-56.

FORM III.

(See Rule 13).

Form of licence for permission to exercise the right of fishery/fish in the water of tidal/Khar land.

WHEREAS Mr. resident of Taluka District has applied for permission to exercise the right of fishery/fish in the water on tidal/Khar land measuring approximately a. g. and situated at taluka district as described in the margin and shown in the attached plan;

Describe the water/land giving its boundaries properly.

And WHEREAS the provisions of the Bombay Khar Lands Act, 1948, apply to the said land, licence is hereby given to the applicant to exercise the right of fishing/fish given to the applicant in the water on the said land for the revenue year on payment of a license fee of Rs. and subject to the following conditions :-

(Here state all or any of the conditions given in rule 12 as well as special conditions, if any.)

Dated

Signature of Licensing Authority.

VDF.
6-6-56.

FORM V.
(See Rule 17).

Daily Account of the General Fund (including other funds, such as a sinking fund, etc.).

Date.

Receipts.			Expenditure.		
Chalan No.	On what account	Amount.	Voucher No.	On what account	Amount.
OPENING BALANCE.					
	Total.			Total.	
				Closing balance.	
				Grand total.	

FORM VI.
(See Rule 17).
Account of the sinking fund.

Date.

Receipts.			Expenditure.		
Chalan No.	On what account	Amount.	Voucher No.	On what account	Amount.
Opening balance.....					
	Total.			Total.....	
				Closing balance..	
				Grand total	

Signature..

VGP.
6-6-56.

FORM VII.
(See Rule 17).

Account of Scheme No.....Unit.

Date.

Receipts.			Expenditue.		
Chalan No.	On what account	Amount.	Voucher No.	On what account	Amount
Opening balance.....					
	To			Total	
				Closing balance.....	
				Grand total.....	

Signature..

VGP.
6-6-56.

FORM VIII

(See Rule 19).

To

Shree

Owner
Occupier
Other person such as mortgagee, permanent tenant etc.

of S. No. of Taluka District

Notice is hereby given that I,

being duly authorised by the Khar Lands Development Board / the Committee appointed by the

Bombay Province, Bombay / Khar Lands Development Board B.P. to enter upon,

survey and mark out land for the purpose of preparing sanctioning or executing a scheme under section 41 of the Bombay Khar Lands Act, 1948, intend to enter upon the land in the above mentioned S. No. for the said purpose

at on

Dated the day of 1948.

Signature of the Officer.

By order of the Government of Bombay.

Secretary to Government.

VGP.

6-6-56.

Legal Department.

In order to give effect to the proposal contained in paragraph 1 of the Parliamentary Secretary's note, rule 16 of the draft rules may be amended, as follows:-

"16(1) For the purpose of determining the annual contribution payable under section 31 of the Act, the total yield of the land benefited or protected by an embankment shall be determined by the Board or any officer authorised by it in this behalf.

(2) Such yield shall be determined on the basis of the rated estimated on either of the following whichever may be greater--

(a) the quantity of average yield per acre of the crop as arrived at by actual crop-cutting experiments under-taken by the revenue or agricultural department or by both in the year for which the contribution is payable in or near such land.

(b) the actual yield per acre agreed to by the land-lord and the tenant.

(3) The value of the yield determined under sub-rule (2) shall then be claculated on the basis of the average market price for the months of January to March as recorded inthe Taluka Form XVIII A given in the Manual of Revenue Accounts.

(4) The annual contribution payable under the said section 31 shall be of such value of the yield. [* Proportion to be billed in by R.D.]

(5) The annual contribution payable by the land-lords and tenants shall be in the proportion of two-thirds and one third respectively.

Provided that such contribution payable by the land-lords and the tenants shall belonging to the Adiwasi class in the Thana district shall be in the proportion of three- fourths and one fourth respectively.

(6) The annual contribution shall be levied in the form of Khar Bandist Akhar and be paid along with land revenue as a land revenue demand.

2. As regards paragraph 2 of Parliamentary Secretary's note, the intention appears to be to take power to exempt certain persons from taking out a license and in certain cases to exempt persons from payment of fees for licences.

Instead of having recours to an amendment of the Act, it will be possible to provide by a rule that the Board may grant a general licence to all persons to fish in their own fileds by means of a hand net. It will be desirable to avoid an amendment of the Act which was passed only last year. The Rule may be as follows :-

"1. The Board may by a general notice license persons to fish in their own lands by means of hand nets."

s.d.

Additional Secretary to Government.

VGP.

6-6-56.

Legal Department.

The requisites draft of rule 16 settled in consultation with the Parliamentary Secretary, Mr. Kunte is sent herewith.

S.D.

Additional Secretary to Government.

U.R. to R.D. No. 8474, dated the 26th July 1949.

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16 (1) The annual contribution payable under section 31 shall be fixed by the Provincial Government after consultation with the Board and shall be declared in the notification published in the Official Gazette.

(2) The annual contribution payable by the landlords and tenants shall be in the proportion of one-third and two-thirds respectively.

Provided that such contribution payable by the landlords and the tenants belonging to the Adiwasi class in the Thana district shall be in the proportion of one-fourth and three-fourths, respectively.

(3) The annual contribution shall be levied in the form of Khar Bandist Akar and be paid along with land revenue as a land revenue demand.

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6-6-58.

Legal Department.

Revised drafts of bonds are sent herewith. ..
Rule 15(5) on p. 137 ante, as amended, is in order.

~~S.D.~~ Sd:

Additional Secretary to Government.

U.R. yo R.D. No. ~~84X4x~~ 11976, dated the 27th October 19

VGP.

6-6-56.